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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,205	09/12/2003	Rodney H. Thomas	9847-000007/US	9111

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EXAMINER

AMIRI, NAHID

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/662,205	THOMAS, RODNEY H.	
	Examiner	Art Unit	
	Nahid Amiri	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,10,12,13 and 19 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,5 and 15 is/are allowed.
- 6) ☒ Claim(s) 1,6,7,9,11,16-18 and 27 is/are rejected.
- 7) ☒ Claim(s) 28 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In view of Applicant's Amendment received 22 February 2005, amendments to the claims have been entered. Claims 20-26 canceled as requested. Claims 1-19 and 27-29 are pending. An examination of these claims follows.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is very confusing what applicant meant by "the cover is **individually received and retained by a coupling**", since applicant clearly discloses Fig. 17, that each end of the cover panel 750 received within the two separate coupling member 790. Therefore, the examiner will examine the claims as best understood.

Claim Rejections - 35 USC § 102

Claims 1, 6-7, 9, 11, 16-17 stand rejected and 27 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,692,345 Mogaki et al.

In regard to claims 1, 11: Mogaki discloses the claimed invention Figs. 1, 7, column 3, lines 59-64, the panel joining mechanism including a at least one plaster board 31L having a top and a pair of opposed sides, at least two coupling 20 each having a channel L (see attachment) which positioned adjacent a corresponding one of the pair of opposed sides of boards 31L and

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31R, having at least one cover 30L which positioned on the plaster board 31L such that corresponding portion of the cover 30L is individually received and retained by a coupling 20.

In regard to claims 6, 16: Mogaki discloses the claimed invention Fig. 1, column 3, lines 26-31, the coupling 20 having a an inwardly bent portion 23 engagable with corresponding inwardly bent portion of the cover 30L.

In regard to claim 7: Mogaki discloses the claimed invention Fig. 3d, column 4, lines 26-28, having wall 40 which is known in the art formed from a plurality of studs, (wherein the studs are equivalent to joists except positioned in vertical direction with respect to wall panel) which located below the plaster board 31L and engaged with the coupling 20.

In regard to claim 9: Applicant does not claim the coupling is in direct contact with boards. Therefore, Mogaki discloses the claimed invention Fig. 3d, having a plurality of plaster boards 31L, 31R in contact to with corresponding a pair of boards 31L and 31R via coupling 20 and covers 30L and 30R.

In regard to claim 27: Mogaki discloses the claimed invention Fig. 1, each of the channels L including a pair of inwardly bent 23 portions, each of which are individually engageable with a with a corresponding inwardly bent portion 34L of the cover 30L for retaining an individual bent portion 34L of the cover 30L within an inwardly bent portion 34L of the channel L.

In regard to claim 11: Mogaki discloses the claimed invention Fig. 1, column 3, lines 59-64, the panel joining mechanism including a at least one plaster board 31L having a top and a pair of opposed sides, at least two coupling C (see attachment) each having a channel L' (see attachment) which positioned adjacent a corresponding one of the pair of opposed sides of boards 31L and 31R, having at least one cover 30L which positioned on the plaster board 31L such that corresponding portions of the cover 30L is individually received and retained by a coupling C.

In regard to claim 14: Mogaki disclose the claimed invention Fig. 1, the channel L' having a lower surface defining at least one opening therethrough therefore, it is capable of allowing a liquid to drain out of the channel.

In regard to claim 14: Mogaki disclose the claimed invention Fig. 1, the channel L' having a lower surface defining at least one opening therethrough therefore, it is capable of allowing a liquid to drain out of the channel.

In regard to claim 17: Mogaki discloses the claimed invention Fig. 3d, having at least one other board 40 below the board 30L which engaged with coupling C.

Claim Rejections - 35 USC § 103

Claims 8, 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mogaki.

In regard to claims 8, 18: Mogaki discloses the claimed invention Fig. 1, the coupling 10 having at least an opening on lower base 11 for receiving fastener 16. Mokagi does not disclose the each of the couplings includes at least one or more fastener slot. It would have been an obvious matter of design choice to provide the base of the coupling with slot or some other shape of opening in order to connect the coupling to the wall, since the only reason applicant is providing the slot to allow wide range of suitable fasteners (e.g. nail, screws, etc.) meanwhile, applicant does not disclose the advantage of using different type of fastener (e.g. nail, screws, etc.) therefore, it appears that the invention would perform equally well with opening of the mogaki's invention.

Allowable Subject Matter

Claims 4-5 and 15 are allowed.

Claims 28- 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 22 February 2005 have been fully considered but they are not persuasive.

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In regard to applicant's argument that the amendment to the claims have rendered moot the rejection of claims 1, 11 (and claims 2, 6-10 depending therefrom). Applicant argues the Mogaki '345 does not disclose the portion 34 of cover panel 30 is not individually retained by each end portion 13, 14 of post 10. Unlike Mogaki '345, which requires portions of adjacent covers to both be inserted in order to retain the portions of two covers between the two end portions 14 or wings 21, the cover in amended claims 1 and 11 comprises a portion that is individually retained by a coupling. This allows a single cover to be positioned over a board and be individually retained by the coupling. Examiner's disagrees.

It is very confusing what applicant meant by "the cover is **individually received and retained by a coupling**". Applicant clearly discloses Fig. 17, that each end of the cover panel 750 received within the two separate coupling member 790, Wherein Mokagi '345, Fig. 1, discloses same structural limitation as applicant's invention by disclosing the portion 34 of the cover panel 30 is individually retained by a coupling 20.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The

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examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nahid Amiri
Examiner
Art Unit 3635
May 9, 2005



Carl D. Friedman
Supervisory Patent Examiner
Group 3600

FIG.1

